

Minneapolis City Planning Department Report
Conditional Use Permits & Site Plan Review (BZZ-636)

Date: July 22, 2002

Date Application Deemed Complete: June 11, 2002

End of 60 Day Decision Period: August 10, 2002

Applicant: Paul Warnert dba Paul, Bobby & Steve's Autoworld

Address Of Property: 5801 Nicollet Avenue South

Contact Person And Phone: Robert Thompson – C.I. Construction 320-763-2998

Planning Staff And Phone: Jim Voll 612-673-2587

Ward: 11 **Neighborhood Organization:** Windom Community Council

Existing Zoning: C2 Neighborhood Corridor Commercial District

Existing uses: Minor automotive repair, a small commercial building and two residential structures.

Proposed Use: Convenience store with gas pumps, minor automobile repair, and a car wash.

Previous Actions: In 1971 this site received a conditional use permit (C-174) for auto repair. In 1974 the site received another conditional use permit (C-345) for automobile repair. In 1999 the site was rezoned from the B3S-1 district to the C2 district as a part of the general remapping of the City that was done with the adoption of the new zoning code. In July of 2001 the City Planning Commission approved a conditional use permit and site plan review (BZZ-89) for a new convenience store with gas pumps, a minor automobile repair facility, and a car wash. This decision was reversed by the City Council on appeal at its meeting of August 24, 2001 (please see attached actions and findings).

Appropriate Section(s) of the Zoning Code: Chapter 525, Article VII Conditional Use Permits and Chapter 530 Site Plan Review.

Background: Currently this site contains an auto repair business, a commercial building, and two houses with garages. A house at the northeast corner of the site was demolished in 2001. The applicant proposes to demolish all of the buildings on the site and replace them with a Bobby & Steve's Auto World. This will consist of a 3,295 square foot convenience store with gasoline pump islands and a canopy. There will also be a 2,408 square foot car wash and a 4,193 square foot service center with seven service bays for automobile repair. This requires a conditional use permit and site plan review in the C2 district. All of the uses are subject to specific development standards.

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Staff made some errors during the review of the 2001 site plan (BZZ-89). They include:

- 1) Stacking was not required for the gas pumps. The code requires that one stacking space (8' x 18') from each end of the pumps be provided.
- 2) Incorrect stacking was required for the car wash. Staff required four stacking spaces, but eight should have been required.
- 3) A small (10' x 25') loading space should have been required.
- 4) The setback at the southwest corner of the site was not required. A 15-foot setback from the west property line is required for the first 40 feet running from the south property line north. Staff did not require any setback at the southwest corner.
- 5) There were some areas where the parking spaces did not have adequate drive aisle maneuvering area.

It appears that all of these errors could have been addressed on the previous site plan to bring them into compliance with the zoning code and still keep the basic design. All of these errors have been addressed on the current site plan.

Staff recommended approval of the conditional use permit and approval of the site plan review (BZZ-89) at the July 23, 2001 City Planning Commission meeting subject to the following conditions:

- 1) Approval of the conditional use permit.
- 2) Staff review and approval of the final site, landscaping, and snow storage and removal plans. All site improvements shall be completed by October 30, 2002 or permits may be revoked for noncompliance.
- 3) If estimated site improvement costs exceed \$2,000, the applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs before building permits may be issued.

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- 4) The use is subject to the specific development standards for automobile convenience facilities, automobile repair (minor), and car washes found in Section 536 of the Zoning Ordinance.
- 5) A Stage I vapory recovery system is required.
- 6) Music or speakers at the pumps shall not be audible beyond the property line of the site.
- 7) The doors to the car wash and service center shall be closed at all times except to allow vehicles to enter and exit the buildings.
- 8) Lighting is subject to Section 535.590. A lighting diagram is required as a part of the final site plan.
- 9) The final landscaping plan will include landscaping along the south side of the service center, a buffer of evergreen trees at the northeast corner for the residences to the east, provision of three trees on both the 58th Street and Nicollet Avenue frontages, and provisions to protect trees on adjacent property from damage during site construction.
- 10) The Nicollet Avenue Drive shall be moved to the north to prevent the removal of an existing large deciduous tree.
- 11) The car wash hours shall be limited from 7:00 a.m. to 9:00 p.m. daily.
- 12) Provision of a three to four foot high decorative black steel fence along the 58th and Nicollet Avenue frontages along the sidewalk to control access to the buildings and parking areas and to protect the landscaping in this area.
- 13) The service center entrance shall be oriented toward the Nicollet Avenue sidewalk.

The City Planning Commission, at its meeting of July 23, 2001, adopted the staff findings, but amended the conditions of approval listed above (please see attached Planning Commission actions). Conditions 1-6 stayed the same. Condition number seven was altered to delete the requirement for the service center doors to be closed at all times, but kept the requirement that the car wash doors be closed at all times. Conditions 8-13 remained the same. The Planning Commission added the following conditions:

- 14) All fuel deliveries and snow removal be restricted to business hours.
- 15) The applicant install a "No Right Turn" sign at the 58th Street exit.
- 16) Encourage the incorporation of a bus stop in the remodeling plans.

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The Planning Commission also added the following conditions requested by the Windom Community Council:

- 1) **Advertising:** The windows along Nicollet Avenue and 58th Street be kept free of advertisements including paper, neon, neon-like structure and banners. No flags, streamers, inflatable structures, permanent or temporary (ex. Blow up “Michellen” Man, giant tires, etc.). An exception would be for a two week tire sale annually and during any grand opening festivities. No music or on-going promotional advertising to be played on speaker system. Signing lights should be dimmed when store is closed;
- 2) **Bus Stop:** The applicant will provide trash receptacles and maintenance of the area to the extent that the City of Minneapolis will allow;
- 3) **Security:** The applicant will designate the business as a police substation, have a “police parking only” sign and have a decal or notices posted. The applicant will have 24-hour surveillance with a minimum of 18 interior and exterior cameras. An after hours gating system should be installed;
- 4) **Operations:** Employees will not be allowed to smoke off premises. A smoking area will be designated and proper receptacles provided. Tow trucks shall be parked in buildings overnight. All lights should be shut off after business hours with the exception of security lighting. No bulk propane to be stored on premises. No used oil to be burned on premises. Hours of operation shall be limited to Sunday through Thursdays, 6:00 AM to 10:00 PM and Friday and Saturday, 6:00 AM to 11:00 PM. Deliveries shall not be accepted after business hours. Off street parking shall be provided for employees of the business;
- 5) **Landscaping:** A Windom Community Council designated individual should be included in landscape design for fences, hedges, perennial and annual plantings. An irrigation system should be included and maintained in all landscaped areas. On-going maintenance and replacement of landscaped areas to be provided. Rock is not considered as proper landscaping material; and,
- 6) **Construction:** Copies of construction schedules should be made available upon request. The building should be construction of a brown brick material (non-glazed) similar to what can be found in other areas along Nicollet Avenue.

A group of surrounding neighbors filed an appeal of the Planning Commission’s decision on July 31, 2001. The Zoning and Planning Committee of the City Council heard this appeal on August 14, 2001. The city Council granted the neighbors’ appeal at their full meeting of August 24, 2001. By granting the appeal the City Council denied the conditional use permit and site plan applications. For a detailed explanation of the City Council’s decision and findings please see the official findings of fact attached to this report.

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To summarize the Council's findings of fact, they found that "the traffic and environmental impacts of the proposed development are too intense to be safely integrated with the surrounding residential and community uses." The City Council found that the proposed development is inconsistent with the Comprehensive Plan because "the proposed uses are not the type of low-intensity, limited commercial uses intended to be incorporated into the mix of residential and commercial uses along a community corridor." Finally the City Council found that "adequate conditions could not be imposed in conjunction with a conditional use permit to mitigate the adverse impacts of the proposed development."

The chart below provides a comparison of the proposed project with the application that was denied by the City Council:

	2001 Plan	2002 Plan	Difference
C-store total square feet	4,812	4,956	+144 square feet
C-store (square feet minus storage and mechanical)	3,772	3,295	-477 square feet
Service center square feet	4,229	4,193	-36 square feet
Service center repair bays	8 bays	7 bays	-1 repair bay
Car wash square feet	2,408	2,408	No change
Hours of operation	6-10 Sunday thru Thursday 6-11 Friday and Saturday	6-10 daily	Close one hour earlier on Friday and Saturdays
Parking required by code	35 spaces	29 spaces	6 less spaces

Although staff recommended approval of the previous conditional use permit and site plan review, this decision was reversed by the City Council. While the applicant has reduced the scale of the project, it does not appear to be a significant change from the previous proposal that would address the concerns stated by the City Council in their findings of fact denying the conditional use permit and site plan review application.

CONDITIONAL USE PERMIT

Findings as required by the Minneapolis Zoning Code:

The Minneapolis City Planning Department has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The proposed development is on a community corridor and is adjacent to residential uses to the east and south, including single-family homes and an apartment complex. The zoning code requirements, specific development standards, and conditions of approval are not sufficient enough to address the negative impacts from the increase in noise and traffic for longer periods of time over the existing site.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not

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impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

The surrounding area is fully developed. In previous testimony the applicant stated that the number of customers could increase from 50 to 400 daily. The zoning code requirements, specific development standards, and conditions of approval are not sufficient enough to address the negative impacts of the site such as noise and traffic that the additional uses will generate.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

Utilities and access roads are existing and adequate. The site will have to comply with the stormwater management ordinance and a drainage plan will be reviewed and approved by the Public Works Department.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

Public Works has reviewed the site for vehicular access, curb cut locations and widths, and finds the site plan acceptable regarding these items. The site does not meet the code requirement of 100,000 square feet of new or additional gross floor area for requiring a Travel Demand Management Plan. Public Works staff reviewed the site plan and determined that the adjacent streets and intersection will provide an adequate level of service for the site. The required parking, loading, and stacking spaces are provided. While the surrounding streets are adequate to handle the proposed increase in traffic there still may be an impact on surrounding residential properties from the increased noise and traffic.

5. Is consistent with the applicable policies of the comprehensive plan.

The Comprehensive Plan does not propose specific development for this corner. The plan designates this part of Nicollet as a community corridor (page 1.4.30). The Minneapolis Plan states the following about community corridors:

“The streets have become physical and cultural pathways that link people to each other, to local institutions and to daily destinations such as work, shopping, school or home. Today, these important streets that run through the city’s many communities connect neighborhoods, serve as a principal travel route for many residents and visitors, and are almost always characterized by their limited mixed use. These streets serve as community corridors. Commercial services do not overwhelm the character of these streets, but there are normally clustered storefronts or services found along their lengths. Commercial uses, whether retail or services, are low intensity in these areas. They do not create noise, significant traffic or disruption to neighbors by being open to the public for extended hours. These streets are also a source of pride and identity for neighbors: they both connect people and act as a definitive boundary for residents, workers and investors.

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Community Corridors are locations that support new residential development at medium density and increased housing diversity in our neighborhoods. They support limited commercial uses, which are measured against their impacts on residential character, such as the production of fumes or noise or negative aesthetics. Design and development along these streets is oriented towards the pedestrian experience. The streets, which form the spine of the community corridors, carry fairly high volumes of traffic, but must balance vehicular travel against residential quality of life. These streets are also important identifiers and travel routes for neighborhood residents and pass-through traffic.”

Staff made the following finding in 2001: “In general community corridors support medium density residential and limited commercial use which is measured against its impacts on residential character. However, the site is zoned C2 which allows the uses as conditional uses and the automobile repair business exists on the site currently. There are several large-scale commercial uses to the south of the site and commercial uses on all four corners of the intersection. With proper conditions to address the negative impacts of the site including lighting and noise the site would be more in the direction of conformance with the comprehensive plan. If conditions are not adequate to address impacts of noise, lighting, litter or the design is not pedestrian oriented then the scale and impact of the use could be considered to be out of conformance with the comprehensive plan.” It was the staff opinion that the conditions of approval and the superior site design were enough to mitigate the potential negative impacts that the expansion may generate.

The City Council overturned the staff and Planning Commission findings. They stated in their findings of fact that “the proposed development is inconsistent with the comprehensive plan. The proposed uses are not the type of low-intensity, limited commercial uses intended to be incorporated into the mix of residential and commercial uses along a community corridor. The addition of gasoline service, a car wash, and a convenience store in close proximity at the intersection of 58th Street and Nicollet Avenue would result in the very impacts that the comprehensive plan identifies as inappropriate for a commercial corridor because they disrupt and adversely effect the residential character of the area: unacceptable levels of noise, longer hours of operation, increased traffic and conflict between that vehicular traffic and pedestrians.”

- 6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of the conditional use permits and site plan review.**

SITE PLAN REVIEW

Required Findings for Major Site Plan Review

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A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)

B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan. (See Section B Below for Evaluation.)

C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.
- In larger buildings, architectural elements shall be emphasized.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.
- Entrances and windows:
 - Residential uses shall be subject to section 530.110 (b) (1).
 - Nonresidential uses shall be subject to section 530.110 (b) (2).
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

The applicant has split the facility into two buildings in order to have a functional site design that meets the code requirements to have buildings reinforce the street wall. The buildings are required to be within eight feet of the property line. The convenience store and service center building is located five feet from the property line on Nicollet Avenue and five feet from the property line on 58th Street. The car wash is located at the rear (east side) of the site. The area between the buildings and the sidewalk will be landscaped. One of the principal entrances to the convenience store and service center faces Nicollet

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Avenue. The building facades have architectural detail including, crown accents, brick accent bands, and a brick veneer.

The code requires that thirty percent of the first floor facade of buildings facing a public street, sidewalk, or a parking lot shall be windows or doors of a clear or lightly tinted glass that allows views into and out of the building. All four first floor facades of the proposed convenience store and service center building are required to meet this requirement. For the convenience store and service center building approximately 53 percent of the south facade is windows and doors, approximately 36 percent of the west facade is windows and doors, approximately 60 percent of the east side of the building is windows and doors, and there are no windows on the north side facade. Staff recommends the addition of windows on the north facade facing 58th Street. Staff recommends that additional windows be added on the west facade, or that the existing windows are spaced in a more uniform manner, to eliminate the larger sections of blank walls.

Only the west side of the car wash is required to have windows. The plan shows approximately 19 percent of the wall as windows. These windows will be glass block rather than clear panes of glass. Staff recommends that this be approved as alternative compliance as a more practical material for a car wash wall.

ACCESS AND CIRCULATION:

- Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.
- Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.
- Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.
- Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).
- Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.
- Site plans shall minimize the use of impervious surfaces.

The front entrance of the convenience store and service center is connected to the public sidewalk on Nicollet Avenue by a walkway. Public Works and the Fire Department have reviewed the site for vehicular access, curb cut locations and widths, and find the site plan acceptable regarding these items. The site does not meet the code requirement of 100,000 square feet of new or additional gross floor area for requiring a Travel Demand Management Plan. The site does not have alley access.

Twenty-nine parking spaces are required and 32 spaces are shown on the site plan. One of the spaces at the southeast part of the site will need to be deleted because it conflicts with the car wash stacking. Staff recommends that the space at the northeast corner of the site be eliminated and replaced with landscaping as a buffer for the nearby residential properties. This would still leave thirty spaces on site. The applicant will receive a credit for one parking space for providing a bike rack as allowed by Section 541.220. The bike rack shall be located closer to the main building entrance. Two handicapped

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accessible parking spaces (one van accessible) are required and three are provided. One of the spaces will need to be reconfigured to be a van accessible space. There is very little room for snow storage, so the applicant will have to develop a snow storage and removal plan as a part of the final site plan.

Eight stacking spaces (8' x 18') are required for the car wash and eight are provided. One stacking space is required at the ends of each of the gas pumps and they are provided. One small loading space (10' x 25') is required and one is provided.

LANDSCAPING AND SCREENING:

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
 - Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).
- Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:
 - A decorative fence.
 - A masonry wall.
 - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).
- Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).
- The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.
- Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.
- All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.
- All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.

Approximately 20 percent of the site is landscaped. The applicant will provide a decorative wrought iron type fence along the Nicollet Avenue and 58th Street frontages as an amenity. The required screen on the south and east sides is provided with a wood screen fence. The plan shows a seven-foot high fence, but the code only allows a six-foot high fence. The six-foot high screen fence on the east side is

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required to drop down to three feet for a distance of 25 feet from the 58th Street property line. The six-foot high screen fence on the south side is required to drop down to three feet for a distance of 15 feet from the Nicollet Avenue property line.

The applicant is providing the required 25-foot setback for approximately 35 feet at the north east corner of the site. Staff recommends that the parking space in this area be eliminated and that the landscaped area be increased to provide a wider buffer for the residential property to the east. Staff recommends that evergreen trees be planted in this area to provide a screen for the residential properties to the east. A three-foot high hedge provides the screening between the parking and the sidewalks along the Nicollet Avenue and 58th Street frontages. The parking lot is bounded by 6-inch by 6-inch continuous concrete curbing.

The City's landscape consultant has not yet reviewed the landscaping plan, but will before any final site plan approval. The applicant will work with staff to develop a landscaping plan that meets code. Staff recommends landscaping between the building and the sidewalk that includes plants and bushes. At least seven trees and 35 shrubs are required by code. Of these seven trees, four are required on the 58th street frontage along the parking lot and three are required along the Nicollet Avenue frontage along the parking lot. A landscaping maintenance plan is required at the final site plan stage.

ADDITIONAL STANDARDS:

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **Buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260.**
- **Site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

Lighting is required to meet the requirements of Chapter 535 and 541. The applicant is required to provide a lighting plan and diagram at the final site plan stage that would address the following code requirements of Section 535.590:

- (a) In general. No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

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(b) Specific standards. All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light source.
- (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

In addition, the specific development standards section of the code requires that the service area canopy light fixtures shall be completely recessed within the canopy so that the lenses shall not extend beyond the surface of the canopy. The parking lot will be screened to avoid headlights shining on residential properties.

The buildings will not block important views of the city and have been located to minimize shadowing of adjacent properties. The city's crime prevention through environmental design (CPTED) specialist has reviewed the plan and recommends that all vegetation should follow the 3 foot - 7 foot rule, which states that screening should not exceed three feet in height and that the canopies of trees should be over seven feet in height allowing a window of visibility into the site. The area between the east side of the car wash and the screen fence should be fenced off to control access to this area.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan

ZONING CODE:

Specific Development Standards for an automobile convenience facility:

- (1) The sale or repair of vehicles shall be prohibited.
- (2) The use shall employ best management practices regarding the venting of odors, gas and fumes. Such

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vents shall be located a minimum of ten (10) feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vaportight fittings to preclude the escape of gas vapors from the fill pipes.

- (3) Service area canopy light fixtures shall be completely recessed within the canopy so that the lenses shall not extend beyond the surface of the canopy.
- (4) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.
- (5) Unattended, automated dispensing of gasoline or other engine fuel shall be prohibited.

Section 536, Specific Development Standards, requires the following for minor automobile repair:

- (1) All vehicles waiting for repair or pick-up shall be stored on the site in an enclosed building or in parking spaces in compliance with Chapter 541, Off-Street Parking and Loading.
- (2) Except in the I3 District, all repairs shall be performed within a completely enclosed building.
- (3) All vehicles parked or stored on-site shall display a current license plate with a current license tab. Outdoor storage of automotive parts or storage of junk vehicles is prohibited.
- (4) The sale of vehicles shall be prohibited.
- (5) In the C1, C2 and C3S Districts, all service vehicles associated with the establishment shall be parked or stored in an enclosed structure after business hours.
- (6) The use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten (10) feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vaportight fittings to preclude the escape of gas vapors from the fill pipes.
- (7) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.
- (8) Unattended, automated dispensing of gasoline or other engine fuel shall be prohibited.

Specific Development Standards for a car wash:

- (1) Water from the car wash shall not drain across any sidewalk or into a public right-of-way.

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- (2) Vacuum facilities shall be located in an enclosed structure or located away from any residential use to avoid the impacts of noise.
- (3) All indoor and outdoor activities shall be subject to the regulations governing hours open to the public, as specified in the zoning district in which the car wash is located.
- (4) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

Hours of Operation: Hours of operation allowed under the C2 zoning are 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:00 p.m. Friday and Saturday. The facility will be open from 6:00 a.m. to 10:00 p.m. daily.

Dumpster screening: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses.

Window obstructions: 543.350. Window signs. Window signs shall be allowed, provided that such signage shall not exceed thirty (30) percent of the window area, whether attached to the window or not, and shall not block views into and out of the building at eye level. Window signs shall be included in the calculation of the total permitted building sign area, except as provided for temporary signs in section 543.330.

Signage: All new signage is required to meet the requirements of the code. The applicant shall submit a sign inventory, so the Zoning Office can review all new signage for compliance with the code before any new sign permits are issued. The Zoning Office has reviewed the preliminary sign plan and finds that it meets the code requirements. The site plan shows an 80 square foot freestanding pylon sign. Section 543.70(4)(c) prohibits backlit signage on properties adjacent to property residentially zoned.

MINNEAPOLIS PLAN: See item number five of the conditional use permit section of the staff report.

Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council

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The Nicollet Avenue Task Force Report, adopted by the City Council on April 7, 2000, recommends that the city “encourage improved site and building design of auto-oriented uses at the 58th Street node. If improved site and building design cannot be achieved, the area should be redeveloped as commercial and residential mixed use...” (see attached pages from the plans).

Alternative Compliance. The Planning Commission may approve alternatives to any major site plan review requirement upon finding any of the following:

- The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.
- Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.
- The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.

Alternative compliance is not necessary for this site if the window requirements are met.

RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:

The City Planning Department recommends that the City Planning Commission adopt the above findings and **deny** the conditional use permit application for an automobile convenience facility with gas pumps for property located at 5801 Nicollet Avenue South subject to the approval of the site plan review.

The City Planning Department recommends that the City Planning Commission adopt the above findings

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and **deny** the conditional use permit application for minor automobile repair for property located at 5801 Nicollet Avenue South subject to approval of the site plan review.

The City Planning Department recommends that the City Planning Commission adopt the above findings and **deny** the conditional use permit application for a car wash for property located at 5801 Nicollet Avenue South subject to the approval of the site plan review.

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for an automobile convenience facility, minor automobile repair, and car wash for property located at 5801 Nicollet Avenue South subject to the following conditions:

- 1) Approval of the conditional use permits.
- 2) Staff review and approval of the final site, landscaping, and snow storage and removal plans. All site improvements shall be completed by October 30, 2003 (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
- 3) If estimated site improvement costs exceed \$2,000, the applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs before building permits may be issued.
- 4) The use is subject to the specific development standards for automobile convenience facilities, automobile repair (minor), and car washes found in Section 536 of the Zoning Ordinance.
- 5) A Stage I vapory recovery system is required.
- 6) Music or speakers at the pumps shall not be audible beyond the property line of the site.
- 7) The doors to the car wash shall be closed at all times except to allow vehicles to enter and exit the buildings.
- 8) The car wash hours shall be limited from 7:00 a.m. to 9:00 p.m. daily.
- 9) Lighting is subject to Section 535.590. A lighting diagram is required as a part of the final site plan.
- 10) The final landscaping plan will include landscaping along the north and west sides of the convenience store and service center, a buffer of evergreen trees at the northeast corner for the residences to the east, provision of four trees on the 58th Street frontage and three trees on the Nicollet Avenue frontage, and provisions to protect trees on adjacent property from damage during site construction.
- 11) Provision of a three to four foot high decorative black steel fence along the 58th and Nicollet Avenue frontages along the sidewalk to control access to the site and to protect the landscaping.

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- 12) If bicycle parking is provided it shall be located closer to the front entrance of convenience store.
- 13) All fuel and other deliveries shall be restricted to business hours.

Additional supporting documents are available for viewing in the office of the City Clerk. For more information, please contact the Committee Coordinator.